

DA 05-1300

Before the
Federal Communications Commission
Washington, D.C. 20554

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Ferrysburg, Michigan)

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MB Docket No. 02-74
RM-10401

Adopted: May 4, 2005

Released: May 6, 2005

By the Assistant Chief, Audio Division:

1. The Audio Division issued a *Notice of Proposed Rulemaking* in response to a Petition for Rule Making filed by Northern Paul Bunyan Radio Company (“NPB”).¹ The *Notice* proposes the allotment of Channel 226A at Ferrysburg, Michigan, as a first local service. NPB filed comments supporting the allotment of Channel 226A at Ferrysburg, and reaffirmed its intention to apply for the channel if it is allotted and, if authorized, to build and operate a station on that channel.

2. Comments also were submitted by WKJF Radio, Inc. ("WKJF"). WKJF expressed concern that this proceeding could be used as a springboard for a "daisy chain" proposal that would, in some way, jeopardize WKJF's efforts to delete the Section 73.215 condition from its license for FM Station WJZQ, Channel 225C1, Cadillac, Michigan. NPB filed reply comments, in which NPB argued that WKJF's comments are irrelevant to the instant proceeding. Moreover, NPB pointed out that, in fact, no further proposal was submitted in response to the *Notice* in this proceeding, and thus WKJF's concerns regarding a potential "daisy chain" have no foundation. We agree with NPB that WKJF's comments are not pertinent to this proceeding.

3. Ferrysburg, a community listed in the 2000 U.S. Census with a population of 3,040 persons, is a community for allotment purposes and is deserving of its own local service. We therefore find that the public interest would be served by the allotment of Channel 226A at Ferrysburg, Michigan. Channel 226A can be allotted at Ferrysburg with a site restriction of 2.7 kilometers (1.7 miles) northeast of Ferrysburg, at the following reference coordinates: 43-06-04 North Latitude and 86-11-29 West Longitude. The Government of Canada has concurred in this allotment.

4. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.²

5. Accordingly, IT IS ORDERED, That effective June 20, 2005, the FM Table of Allotments, 47

¹ *Ferrysburg, Michigan*, 17 FCC Rcd 5944 (MB 2002) (“Notice”).

² See 5 U.S.C. 801 (a)(1)(A).

C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Ferrysburg, Michigan	226A

6. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Robert J. Buenzle, Esq.
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(Counsel for Northern Paul Bunyan Radio Company)

Dennis J. Kelly, Esq.
Law Offices of Dennis J. Kelly
Post Office Box 41177
Washington, D.C. 20018
(Counsel for WKJF Radio, Inc.)

7. A filing window period for Channel 226A at Ferrysburg, Michigan, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau